

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.

(Fisher and Thief River Falls, Minnesota)

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MB Docket No. 05-116
RM-11188

REPORT AND ORDER
(Proceeding Terminated)

Adopted: September 29, 2005

Released: October 3, 2005

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it the *Notice of Proposed Rule Making* ("Notice")¹ issued in response to a Petition for Rule Making filed on behalf of Citicasters Licenses, L.P. ("Petitioner"), licensee of Station KSNR(FM) ("KSNR"), Channel 262C1, Thief River Falls, Minnesota. Petitioner seeks to change its community of license from Thief River Falls to Fisher, Minnesota, and to modify Station KSNR's license accordingly. Petitioner filed Comments in which it reiterates its intent to effectuate its proposal. No other comments or counterproposals have been filed. For the reasons stated below, we grant Petitioner's request to reallocate Channel 262C1 from Thief River Falls, Minnesota to Fisher, Minnesota, and to modify the Station KSNR license.

2. Petitioner made the reallocation request in this docket pursuant to Section 1.420(i) of the Commission's rules,² which permits the modification of a station's authorization to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest.³ In this instance, the reallocation will allow the establishment of a first local transmission service by Petitioner at Fisher, Minnesota (2000 U.S. Census population of 435 persons). Petitioner has submitted sufficient information to demonstrate that Fisher is a community to which an FM channel may be allotted. Provision of first local service falls under priority (3) of the FM priorities and is preferred to the providing of a seventh local service to Thief River Falls (2000 U.S. Census of 8,410 persons), which falls under priority (4) of the FM allotment priorities.⁴ In light of all the relevant factors in this case, we find that changing the community of license of Station KSNR from Thief River Falls to Fisher, Minnesota is in the public interest. Further, the allotment of Channel 262C1 to Fisher would not deprive Thief River Falls of its sole local transmission outlet, because Thief River Falls will

¹ *Fisher and Thief River Falls, Minnesota*, 20 FCC Rcd 6029 (MB 2005).

² 47 C.F.R. § 1.420(i).

³ See *Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990).

⁴ The FM allotment priorities are listed in *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982). The allotment priorities are: (1) first full-time aural service; (2) second full-time aural service; (3) first local service and (4) other public interest matters. Co-equal weight is given to priorities (2) and (3).

retain local service from six radio stations.

3. Petitioner will not change its current transmitter site for Station KSNR if Channel 262C1 is reallocated to Fisher, Minnesota. Fisher is not located in an Urbanized Area. Nevertheless, both the existing and the proposed 70 dBu contour of Station KSNR cover 100 percent of the Grand Forks, North Dakota-Minnesota Urbanized Area. Accordingly, Petitioner need not submit a showing that Fisher is independent from the referenced urbanized area in order to receive a first local service preference pursuant to the Commission's FM allotment priorities.⁵

4. Consistent with the technical requirements of the Commission's rules, Channel 262C1 can be allotted to Fisher, Minnesota, utilizing coordinates of 47-58-38 NL and 96-36-42 WL, with a site restriction of 24.2 kilometers (15.1 miles) northeast of Fisher. The Canadian Government has concurred in this allotment.

5. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

6. Accordingly, pursuant to the authority contained in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED, That effective November 17, 2005, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED for the communities listed below, as follows:

<u>Community</u>	<u>Channel Number</u>
Fisher, Minnesota	262C1
Thief River Falls, Minnesota	257C3, 274C1

7. IT IS FURTHER ORDERED, That the Petition for Rule Making filed by Citicasters Licenses, L.P. IS GRANTED.

8. IT IS FURTHER ORDERED, That pursuant to 47 U.S.C. Section 316(a), the license of Citicasters Licensees, L.P., for Station KSNR(FM), Thief River Falls, Minnesota, IS MODIFIED to specify operation on Channel 262C1 at Fisher, Minnesota, subject to the following conditions:

(a) Within 90 days of the effective date of this *Order*, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with 47 C.F.R. Section 73.1620; and

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to 47 C.F.R. Section 1.1307, unless the proposed facilities are categorically excluded from environmental processing.

⁵ See *Kankakee and Park Forest, Illinois*, 16 FCC Rcd 6768 (MMB 2001) and note 4, *supra*.

9. Pursuant to 47 C.F.R. Section 1.1104(3)(1), Citicasters Licenses, L.P., licensee of Station KSNR(FM), is required to submit a rule making fee in addition to the fee required for the application to effectuate the change in community of license for Station KSNR(FM), Channel 262C1, from Thief River Falls, Minnesota, to Fisher, Minnesota, at the time it submits its Form 301 application.

10. IT IS FURTHER ORDERED that this proceeding IS TERMINATED.

11. For further information concerning the above, contact R. Barthen Gorman, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau